# **WOOD, HERRON & EVANS, L.L.P.**

BRUCE TITTEL DONALD F, FREI DAVID J. JÖSEPHIC DAVID S, STALLARD J. ROBERT CHAMBERS J. ROBERT CHAMBERS
GREGORY J. LUNN
KURT L. GROSSMAN
CLÉMENT H. LUKEN, JR.
THOMAS J. BURGER
GREGORY F. AHRENS
WAYNE L. JACCOBS
KURT A. SUMME
KEVIN G. ROONBY
KETH R. HAUPT
THEOCORE R. REMAKLUS
THOMAS W. HUMPHREY
SCOTT A. STINERRUNER
DAVID H. BRINKMAN
BEVERLY A. LYMAN, PH.D.

OF COUNSEL JOHN D. POFFENBERGER THOMAS W. FLYNN

2700 CAREW TOWER

441 VINE STREET

**CINCINNATI, OHIO 45202-2917** 

TELEPHONE: 513-241-2324

FACSIMILE: \$13-421-7269

EMAIL: info@whepatent.com

PATENT, TRADEMARK, COPYRIGHT & AND UNFAIR COMPETITION LAW AND RELATED LITIGATION

ÉDMUND P. WOOD TRUMAN A. HERRON EDWARD B. EVANS

1923-1968 1935-1976 1936-1971

October 7, 2004

JOSEPH R. JORDAN C. RICHARD EBY

DAVID E. PRITCHARD

RECEIVED OWIGHT POFFENBERGER JR. CENTRAL FAX CENTER KATHRYNE. SMITH KRISTI L. DAVIDSON OCT 0 7 2004

P. ANDREW BLATT, PH.D. DAVID E. JEFFERIES WILLIAM R. ALLEN, PH.D.

JOHN PAUL DAVIS
DOUGLAS A. SCHOLER
BRETT A. SCHATZ
DAVID W. DORTON SARAH OTTE GRABER STEVEN W. BENINTENDI, PH.D. RANDALL S. JACKSON, JR.

> TECHNICAL ADVISORS HENRY M. LABODA. PH.D.

### FACSIMILE COVER SHEET

Technology Center 3700 To:

Willmon Fridie, Jr.

(703) 872-9306 Fax:

From: David W. Dorton

Re: Our File: SPMI-02

Serial No. 10/039,370

Pages: 9 (including cover sheet)

### MESSAGE/COMMENTS

Attached herewith is a Request for Continued Examination and Preliminary Amendment.

PLEASE DELIVER IMMEDIATELY TO EXAMINER WILLMON FRIDIE, JR.

The information in this facsimile message is ATTORNEY-CLIENT PRIVILECED, WORK FRODUCT and/or CONFIDENTIAL INFORMATION intended only for the use of the individual or entity to whom this message is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of fits communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the uriginal ressage to us at the above address via mail. Thank you. If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's assistant, OUR FAX NUMBER IS (513) 421-7269.

## RECEIVED **CENTRAL FAX CENTER**

NO. 9725 P. 3

OCT 0 7 2004

**CERTIFICATE OF FACSIMILE** 

I hereby certify that this correspondence for Application No. 10/O39,370 is being facsimile transmitted to Technology Center 3700, via Central Fax Number (703) 872-9306, on October 7, 2004.

David W. Dorton, Reg. No. 51,625

OCTOBER 7.2004

Date

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.:

10/039,370

Filed:

January 2, 2002

Group Art Unit:

3722

Examiner:

Mark Henderson

Applicant:

Shevers, Jr.

Title:

RING MOUNTED CALCULATOR

Attorney Docket: SPMI-02

Confirmation No.: 9792

Cincinnati, Ohio 45202

October 7, 2004

Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

### PRELIMINARY AMENDMENT

Prior to examination on the merits, and in addition to the Amendment

filed June 7, 2004, please further amend the application as follows.

Amendments to the Claims begin on page 2.

Remarks being on page.6.